

REMARKS

The Examiner has rejected claims 1 through 14 under 35 U.S.C. 112. Applicant has adopted the Examiner's suggestions to overcome the informalities of the claims. As explained before, the Section 102 rejections are now moot with the proposed amendments, except for the method claim 14.

With respect to the Section 103 rejections of claims 3-7 and 13, the Examiner takes the position that the selection of the dosage is merely an optimization with reasonable expectations of successfully providing an effective treatment. Applicant disagrees and respectfully submits that the Examiner has failed to carry the burden of proof under Section 103.

First, the solution in the present invention is acidic whereas Mr. Yvin's solution is alkaline. This characteristic gives unexpected beneficial properties to the solution. If anything, Yvin teaches away from the invention. There is no showing in the record that would motivate someone skilled in the art to "optimize" the concentration ranges to make the solution acidic.

Yvin's solution is condensed to be an anti-inflammatory intended to inhibit leukotrienes in the cells. The present solution acts (destroys) the sputum structure, making it less thick in the respiratory tract and facilitating its release through other mechanisms. These mechanisms include increasing the water transport from the cells of the respiratory tract into the lumen, stimulating the ciliary movement, causing a detergent effect on the viral membranes (leading to destruction of viruses) and

1 serving as a vehicle for delivering other medications with a synergistic  
2 effect.

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4 With respect to the method claim 14, there is no indication of any  
5 references where the seawater is extracted from a depth that will ensure  
6 stability. Applicant has found this to be the best source of water for its  
7 solution.

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9 Applicant believes his application's claims are now allowable and  
10 requests an early favorable action.

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Respectfully submitted,  
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